

**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF TEXAS – SHERMAN DIVISION**

MICHAEL MOATES

V.

Facebook Inc.

Case No.: 4:21-cv-00694

## **MOTION TO TRANSFER**

## **VENUE AND CONSOLIDATE**

## **AND IN THE ALTERNATIVE**

## **MOTION FOR HEARING ON**

THE MATTER

**FILED**

OCT 07 2021

Clerk, U.S. District Court  
Eastern District of Texas

COMES NOW, MICHAEL MOATES, DC CHRONICLE, AND DC CHRONICLE  
LIMITED, RESPECTFULLY ASKING THIS COURT TO CONSIDER A MOTION  
TO CONSOLIDATE UNDER RULE 20 FRCP. PLAINTIFFS ALSO GIVE THE  
COURT NOTICE THAT THEY NON-SUIT AT&T INC AND WILL PERSUE  
LITIGATION WITH AT&T AT A DIFFERENT TIME, RESERVING ALL RIGHTS

1. Pursuant to Rule 20. Permissive Joinder of Parties, "Persons may join in one action as plaintiffs if: they assert any right to relief jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and any question of law or fact common to all plaintiffs will arise in the action."

1       2. Cases to be joined. Michael Moates v Facebook Inc., et al – Eastern District of  
2 Texas 4:21-cv-00694 and DONALD J. TRUMP, the Forty-Fifth President of the  
3 United States, ELIZABETH ALBERT, KIYAN AND BOBBY MICHAEL, AND  
4 JENNIFER HORTON, INDIVIDUALLY AND ON BEHALF OF THE CLASS v  
5 FACEBOOK, INC., and MARK ZUCKERBERG – Southern District of Florida,  
6 Miami Division - 1:21-cv-22440-KMW.

8       3. This entire case stems from the same transaction. Facebook implemented a vague  
9 ambiguous policy (without notification, to target individuals that they disagree with  
10 politically) days before the 2020 Presidential Election that effected millions of  
11 individuals across the country including, a sitting President of the United States<sup>12</sup>.

13      4. Thousands of individuals across the country were affected by this vague and  
14 unannounced policy. Facebook acts and continues to act in bad faith to harm its  
15 users. Just this week, Facebook was called out by a former employee who said “As  
16 long as Facebook is operating in the shadows, hiding its research from public  
17 scrutiny, it is unaccountable. Until the incentives change, Facebook will not change.  
18 Left alone, Facebook will continue to make choices that go against the common  
19 good. Our common good.”

22      5. The Plaintiff for purposes of this case will submit to the jurisdiction of the  
23 Southern District of FL – Miami Division and the court has jurisdiction. It would be  
24 in the best interest of finality, judicial economy and fairness.

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<sup>1</sup> <https://about.fb.com/news/2021/06/facebook-response-to-oversight-board-recommendations-trump/>  
      <sup>2</sup> <https://about.fb.com/news/2020/08/addressing-movements-and-organizations-tied-to-violence/>

1       6. Plaintiffs satisfy the standard of Rule 20, which permits joinder of parties: (a)  
2       when there is asserted against them any right to relief arising out of the same  
3       transaction, occurrence, or series of transactions or occurrences; and (b) if any  
4       question of law or fact common to all defendants will arise in the action. Trail  
5       Realty, Inc. v. Beckett, 462 F.2d 396, 399-400 (10th Cir. 1972). Both prongs are  
6       satisfied in this case.

7       8. The facts of this case, however, justify permissive joinder of the Proposed Parties  
8       under the circumstances. As noted above, each of the Proposed Intervenor Plaintiffs  
9       is currently engaged in conduct that mirrors that of one of the Plaintiffs.

10      12. Due to the extensive costs of litigation, time and resources of the judiciary, the  
11       Plaintiff submits that it would be in the courts best interest to hear all matters  
12       14 together.

13      16 **WHEREAS THE PLAINTIFFS IN THIS CASE RESPECTFULLY REQUEST THE**  
14      **COURT GRANT THE MOTION TO TRANSFER VENUE TO THE SOUTHERN**  
15      **DISTRICT OF FL AND JOIN CASES. IN THE ALTERANTIVE HOLD A**  
16      **HEARING ON THE MATTER.**

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/s/ Michael Moates

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**CERTIFICATE OF SERVICE**

This document emailed to Defendant's counsel via EFC.



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